

STARK & STARK

ATTORNEYS AT LAW

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July 29, 2020

Federal Express

Karen Federico, Administrative Secretary/Land Use Clerk
Florence Township Municipal Complex
711 Broad Street
Florence, NJ 08518

**RE: Block 159, Lot 5.01 (20 Harkins Drive) & Lot 5.04 (50 Harkins Drive)
Florence Township, NJ – One year extension under MLUL**

Dear Karen,

On behalf of Firenze Properties, LLC ("Applicant"), it is requested that the above referenced matter be placed on the Florence Township Planning Board's ("Board") August agenda to hear the Applicant's request for the first one year extension of the vested rights period pursuant to N.J.S.A. 40:55D-52, for the above referenced property.

The Applicant obtained approval from the Board pursuant to Resolution PB 2018-007 (the "Resolution") to expand its facilities on the properties Block 159, Lots 5.01 and 5.04 also known as 20 and 50 Harkins Drive ("Property"). The Resolution was memorialized on February 27, 2018 and it granted preliminary and final site plan approvals as well as bulk variance relief. A copy of the Resolution is attached.

The Property is being used by Modern Store Equipment. Presently, and they are utilizing approximately 24,000 square feet of space for office/warehouse. The Resolution granted approval for them to expand their business by allowing approximately an additional 29,000 square feet of warehouse/office space.

Since the adoption of the Resolution, the Applicant has been seeking third party approvals (most significantly County Planning Board) and has recently had meetings with the Burlington County Planning Board regarding this project. Based on this meeting, it expects to obtain the requisite County approval.

The Applicant is requesting that the Board authorize a one year extension of the vesting periods of approval under N.J.S.A. 40:55D-52, through February 27, 2021. I am enclosing the \$250 application fee and certification of taxes.

Please feel free to contact me with any questions or concerns.

Very truly yours,

STARK & STARK
A Professional Corporation

/s/Eric S. Goldberg
By: _____
ERIC S. GOLDBERG

ESG/bmc
Enclosure

FLORENCE TOWNSHIP PLANNING BOARD**RESOLUTION NO. P.B.-2018-07***Application PB#2017-06*

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF FIRENZE PROPERTIES, LLC
BLOCK 159 LOTS 5.01 & 5.04
HIGHWAY COMMERCIAL SMO OVERLAY ZONING DISTRICT
PRELIMINARY and FINAL MAJOR SITE PLAN
APPROVAL**

Completeness Determination:	November 28, 2017
Application Decided:	January 23, 2018
Resolution Memorialized:	February 27, 2018

WHEREAS, Firenze Properties, LLC has made application to the Florence Township Planning Board for preliminary and final major site plan approval concerning a 3.46 acre parcel located between Cedar Lane and Harkins Drive, and known on the official Tax Maps of the Township of Florence as Lots 5.01 and 5.04 of Block 159, to allow construction of a 29,400 square foot warehouse/office building addition on Lot 5.04, and associated site improvements on lots 5.01 and 5.04, to support and expand the existing operations of Modern Store Equipment Company now located in a 24,000 sq. ft. warehouse/office building on Lot 5.01;

WHEREAS, the applicant is represented by Eric Goldberg, Esquire, of Stark & Stark;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that proper hearing notices had been mailed and published, and that its jurisdiction was therefore proper, the Board opened a hearing to review administrative completeness of the application at the Board's November 28, 2017 regular meeting, granted waivers of certain ordinance checklist submission requirements as specified and recommended in the Board Engineer's letter of November 17, 2017 and his testimony in the course of the hearing, found the application administratively complete, and adjourned the

substantive hearing on the application to the time and date certain of the Board's January 23, 2018 regular meeting;

WHEREAS, the Board opened the public hearing on the substance of the application at the Board's January 23, 2018 regular meeting;

WHEREAS, the applicant's Engineer, Andrew French, PE, and Architect, Kenneth Gruskin, RA, appeared, were sworn, were accepted as experts in their respective fields by the Board, and offered their testimony in support of the application;

WHEREAS, David Dunigan, owner of the applicant, appeared, was sworn, and also offered his testimony, along with the arguments and representations of counsel in support of the application;

WHEREAS, the Florence Township Planning Board has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property, and therefore has standing to bring this application before the Board.
2. Application has been made for preliminary and final major site plan approval to allow construction of a 29,400 square foot warehouse/office building addition on Lot 5.04, and associated site improvements on lots 5.01 and 5.04, to support and expand the existing operations of Modern Store Equipment Company now located in a 24,000 sq. ft. warehouse/office building on Lot 5.01. The total building addition footprint will be 26,400 sq. ft., of which 23,400 sq. ft. will be warehouse, and the adjoining office area will total 6,000 sq. ft. on two floor levels of 3,000 sq. ft. each.
3. The applicant proposes to merge Lots 5.01 and 5.04, so for purposes of analyzing conformity with zoning and design standards, the Board has assumed that the lots are a single lot.
4. The subject property lies in the Township of Florence Highway Commercial with Special Manufacturing Overlay Zone District, in which the proposed warehouse/office is permitted as-of-right.

5. The applicant has submitted proof of service and proof of publication of proper notice the preliminary and final major site plan hearing, and the Board has jurisdiction to hear these applications.
6. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;
 - b. Completed Township of Florence Preliminary and Final Major Site Plan Application Checklist of Submission Requirements;
 - c. Proof that no taxes were due on the subject property at the time of the application;
 - d. Township of Florence Certified List of Property Owners within 200’;
 - e. A series of site plan drawings comprised of 16 sheets prepared by French & Parrello Associates dated 11/02/17 and revised through 12/20/17;
 - f. Architectural plans comprised of two sheets showing floor plans and exterior elevations of the propose building addition prepared by Gruskin Architecture & Design, PC, dated 12/20/17;
 - g. Stormwater Management Report prepared by French & Parrello, dated 12/20/17;
 - h. Operations and Maintenance Manual for Stormwater Management Facilities prepared by French & Parrello, dated 12/20/17;
 - i. Traffic Impact Statement prepared by French & Parrello, dated 12/20/17;;
 - j. Environmental Impact Statement prepared by French & Parrello, dated 12/20/17;
 - k. Sanitary Sewer Design Report prepared by French & Parrello, dated 12/20/17;
 - l. Water Service Report prepared by French & Parrello, dated 12/20/17;
 - m. Submission cover letters dated 11/08/2017 and 12/27/17 prepared by the applicant’s counsel;
 - n. Response letter dated December 20, 2017;
 - o. A colored aerial view of the site and surrounding properties (photography dated 2015) called “Project Location Map”, introduced and entered into evidence in the course of the January 23, 2018 public hearing as Exhibit A-

- 1;
 - p. A color rendering of the submitted landscape plan sheet, introduced and entered into evidence in the course of the public hearing as Exhibit A-2;
 - n. A colorized version of the submitted architectural plan sheet A1 showing the plan views of the proposed building addition, introduced and entered into evidence in the course of the public hearing as Exhibit A-3;
 - o. A colorized version of the submitted architectural plan sheet A1 showing the front, side and rear elevations of the proposed building addition, introduced and entered into evidence in the course of the public hearing as Exhibit A-4;
 - p. Application and Escrow Fees in accord with ordinance requirements;
 - q. An executed Escrow Agreement;
 - r. Form W-9 Request for Taxpayer Identification Number and Certification;
 - s. Executed corporate ownership disclosures in the form required by statute.
7. The Board's Planner, Barbara Fegley, AICP, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted review letters commenting upon the application dated November 27, 2017 and January 10, 2018 which are hereby incorporated into the record.
 8. The Board's Engineer, Hugh Dougherty, P.E., C.M.E. of Pennoni Associates, submitted review letters dated November 20, 2017 and January 9, 2018 commenting upon the application which are hereby incorporated into the record.
 9. The Township's Fire Code Official, Brian Richardson, submitted a review letter commenting upon the application and supporting submissions dated January 18, 2018 which is hereby incorporated into the record.
 10. The Township's Chief of Police, Brian Boldizar, submitted a review letter dated November 28, 2017 commenting upon the application and supporting submissions which is hereby incorporated into the record.
 11. Approval of the submitted site plans would require the following bulk variances:
 - a. The maximum permitted building coverage is 30%, 33.39% is proposed;
 - b. The minimum permitted front yard setback is 75 ft., the existing building is set back 34.9 ft. from Harkins Lane, and a setback of 35.01 ft. is proposed

for the building addition;

- c. The minimum permitted front yard setback for parking areas is 75 ft., the parking for the existing building is setback only 22.2 ft. from Harkins Lane, and all parking is now proposed to be set back only 30.61 ft. from Harkins Drive and 7.94 ft. from Cedar Lane;
- d. The minimum permitted side yard setback for parking areas is 20 ft., the existing parking is setback 0 ft. from the southerly sideline, and this is proposed to be continued;
- e. The parking along the southerly sideline is not provided with the required visual screening;
- f. 96 parking spaces are required, but only 80 are proposed (of which 4 will be handicapped accessible);
- g. Sidewalks are required along all lot frontages, but no sidewalks are proposed.

12. Approval of the submitted site plans would require the following design exceptions (waivers):

- a. The proposed 6 ft. tall chain link fence and associated tubular galvanized pipe gate systems encroach into the required front yard;
- b. The northerly access drive onto Harkins Lane is proposed to be reconstructed only 9 ft. from the northerly property sideline instead of the required 20 ft. (it is now only 5 ft. from the property sideline);
- c. Parking & loading area buffers;
- d. Parking lot aisles are required to be 25 ft. wide, but the existing drive aisle along the southerly side of the existing building is only 23.34 ft. wide;
- e. Parking spaces are required to be 10 ft. x 20 ft., but all existing spaces are 9 ft. x 18 ft. 19 new 9 ft. x 18 ft. spaces are proposed, and all new spaces around the perimeter are proposed to be 10 ft. x 20 ft.;
- f. Off-street loading areas are required to be 15 ft. x 40 ft., but 12 ft. x 40 ft. loading spaces are proposed.

13. Lot 5.04 was previously developed with a warehouse building that burned down several years ago. The proposed development seeks to maintain the pattern of circulation, loading and parking that was previously established at the site through the operation of that now-demolished building on Lot 5.04 and through the current use of Lot 5.01 by Modern Store Equipment.
14. The proposed development seeks to mitigate where feasible some of the current non-conformities with ordinance standards through installation of landscaped buffers along Harkins Ave. and Cedar Lane, and reconfiguration and relocation of the driveway entrances.
15. The location, shape and dimensions of the proposed building addition are driven by the established shape and location of the existing building, the established pattern of site circulation and operational needs of the tenant. The proposed building is designed to integrate visually and functionally with the existing building.
16. Dimensional non-conformities of existing parking and loading areas are proposed to remain in light of the constraints posed by the existing development. New loading areas conform to ordinance standards. Where feasible, new parking areas are of conforming dimensions. However, the new parking spaces north of the building addition along Harkins Drive are smaller than required in order to allow for a wider landscaped buffer along that frontage.
17. The existing parking along the southerly sideline of the property is proposed to remain, and as a consequence, there is no room for the required evergreen visual screen. There is however an existing evergreen buffer on the adjoining property that parallels the subject property's sideline and serves as the desired visual buffer between the subject property and Route 130.
18. A 6' tall fence is proposed with tubular galvanized pipe gates at the Harkins Drive entrances. The gates are intended to discourage people from driving through the site as a shortcut between Harkins Drive and Cedar Lane, and are expected to be locked much of the time. The fence and associated gates are proposed within the required front yard setback in order to keep drivers from entering the site, and then needing to back out when they realize that they are facing a locked gate. Primary access for truck traffic, employees and visitors is intended to be from the Cedar Lane entrance.

19. No sidewalk is proposed in this application for the Cedar Lane frontage, as this right of way is within the County's jurisdiction. No sidewalk is proposed for the Harkins Lane frontage in order to provide more room for landscaping and because the limited foot traffic expected on the cul de sac can use the sidewalk on the opposite side of Harkins Lane.
20. Mr. Dunigan testified that the proposed 80 parking spaces will be sufficient to serve the needs of his employees and the very few visitors to the site, which does not serve the general public.
21. The existing onsite septic system is to be removed and the site served by municipal sanitary sewer.
22. The proposed stormwater management measures comply with applicable ordinances and NJDEP Regulations.
23. But for the variances and design exceptions noted above, the proposed development complies with all other applicable use, bulk and design standards.
24. The applicant's representatives agreed on the hearing record to comply with the Fire Department Connection and Knox Box recommendations set forth in the Township Fire Official's letter of January 18, 2018, and request to re-configure an existing staircase and loading area at the northeast corner of the building set forth in the Police Chief's letter of November 28, 2017. In addition, the applicant's representatives agreed to comply with the plan detail and design comments set forth in the review letters of the Board Planner dated January 10, 2018 and Board Engineer dated January 9, 2018.
25. No public comment was offered on the proposed development.

Conclusions of Law:

The Board finds that the requested bulk variances associated with the existing building and site development on Lot 5.01 may be approved pursuant to NJSA 40:55D-70(c)1 because that existing lawful development makes it exceptionally impractical to comply with the relevant ordinance standards. The Board further finds that the requested bulk variances associated with the proposed building addition and associated site development on Lot 5.04 may be approved pursuant to NJSA 40:55D-70(c)2 because, on balance, the benefits to the community of the proposed overall improvement of the site substantially outweigh any detriments that may flow from the requested variances. In each case, the Board finds that the proposed variances do not pose a substantial detriment to the public good, nor do they substantially impair the zone plan and zoning ordinance.

Similarly, the requested design exceptions must be viewed in light of the purposes of the relevant ordinances, the existing site conditions, and the proposed substantial improvements to the condition of the site. The Board finds that, overall, the purposes of the relevant design standards are better addressed through the proposed development than through either maintaining the *status quo* or requiring strict adherence to ordinance standards.

The applicant has complied with the application requirements and procedures of the Board for approval of such development. Therefore, the proposed preliminary and final major site plan should be approved, subject to appropriate conditions as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Firenze Properties, LLC seeking preliminary and final major site plan approval concerning an 3.46 acre parcel located between Cedar Lane and Harkins Drive, and known on the official Tax Maps of the Township of Florence as Lots 5.01 and 5.04 of Block 159, to allow construction of a 29,400 square foot warehouse/office building addition on Lot 5.04, and associated site improvements on lots 5.01 and 5.04, to support and expand the existing operations of Modern Store Equipment Company now located in a 24,000 sq. ft. warehouse/office building on Lot 5.01, be and hereby is, **APPROVED**, subject to the following conditions:

1. Compliance with the Fire Department Connection and Knox Box recommendations set forth in the Township Fire Official's letter of January 18, 2018.
2. Compliance with the request to re-configure an existing staircase and loading area at the northeast corner of the building set forth in the Police Chief's letter of November 28, 2017.
3. Compliance with the plan detail and design comments set forth in the review letters of the Board Planner dated January 10, 2018 and Board Engineer dated January 9, 2018.
4. There shall be no gates at the Cedar Lane entrance to the site.
5. The applicant shall provide a 2-year guarantee for site landscaping.
6. All unregistered storage trailers shall be removed from the site.
7. The subject lots shall be merged by deed.
8. All taxes and escrow fees for professional review must be paid current and in full.
9. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Florence Township Water & Sewer Department, Florence Township Office of Construction Code Enforcement and Burlington County Planning Board. Copies of all applications, permits and certifications related to such approvals shall be filed

with this Board. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required.

10. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval shall require approval of this Board.
11. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
12. Compliance by the applicant with Township ordinances, and State laws and regulations, pertaining to non-residential developers' affordable housing obligations, which are applicable to the subject development.
13. Any permits, deeds, easements, vacations, dedications, revised drawings or other documents related to this proposed development shall be approved by the Board attorney and Board engineer and filed with the appropriate authority. Proof of recording with the County Clerk shall be filed with this Board.
14. The applicant shall post a performance guarantee in an amount accepted by the Township Council after recommendation by the Board Engineer and in a form approved by the Board Engineer and Township Attorney.
15. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. If this approval is not perfected within two years of the date hereof, or such extended date as may be provided by statute or Board action, this approval shall be void.

MOTION TO APPROVE PRELIMINARY and FINAL MAJOR SITE PLAN:

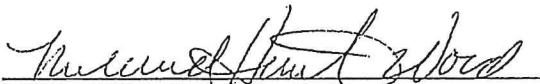
Moved by : Mr. Molimock
Seconded by : Mr. Montgomery
In Favor : Mayor Wilkie, Mr. Molimock, Mr. McCue, Councilman
Lovenduski, Mr. Montgomery, Chair Hamilton-Wood
Opposed : None
Recused : None
Absent : Mr. Morris

MOTION TO ADOPT RESOLUTION:

Moved by : Councilman Lovenduski
Seconded by : Mr. Montgomery
In Favor : Councilman Lovenduski, Mr. Montgomery, Mayor Wilkie, Mr.
Molimock, Mr. McCue, Chair Hamilton-Wood
Opposed : None
Recused : None
Absent : Mr. Morris

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 2-27-18


Mildred Hamilton-Wood, Chair

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on February 27, 2018 and memorializes a decision taken by the Board on January 23, 2018.

Dated: 2-27-18


Karen Federico, Acting Secretary

**TOWNSHIP OF FLORENCE
OFFICE OF THE PLANNING AND ZONING BOARDS**

TAX COLLECTOR'S CERTIFICATION

RECEIVED

JUL 31 2020

PB 2020 / 05

Applicant's Name, Address and Telephone Number: Firenze Properties LLC (Modern Store Equipment)
c/o Eric S. Goldberg, Stark & Stark, 993 Lenox Drive, Lawrenceville, NJ 08648 609-791-7013
egoldberg@stark-stark.com

Block/s: 159 Lot/s: 5.01

Street Address: 20 Harkins Drive

Property Owner's Name, Address and Telephone Number **IF DIFFERENT FROM APPLICANT:**

Firenze Properties LLC (David F. Dunigan), 5 Bonnie Lane, Bordentown, NJ 08505 609-472-4311

I HEREBY CERTIFY THAT:

() There is due to the Township of Florence, on the above property, the following amounts:

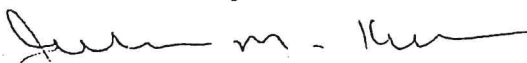
Taxes: \$

Assessments: \$

Water and/or Sewer Charges: \$

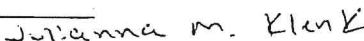
TOTAL: \$

(☒) ALL Taxes, Assessments and Water and/or Sewer Charges on the above property are paid in full.



Christine, M. Swiderski, Tax Collector

Date: 7-23-20



Assistant Tax Collector

PLEASE NOTE: This document must be completed by the Tax Office BEFORE it is submitted with the application package.

**JULIANNA M. KLENK, CTC
ASSISTANT TAX COLLECTOR**

**TOWNSHIP OF FLORENCE
OFFICE OF THE PLANNING AND ZONING BOARDS**

TAX COLLECTOR'S CERTIFICATION

RECEIVED

JUL 31 2020

PB 2020 / 05

Applicant's Name, Address and Telephone Number: Firenze Properties LLC (Modern Store Equipment)
c/o Eric S. Goldberg, Esquire, Stark & Stark, 993 Lenox Drive, Lawrenceville, NJ 08648
609-791-7013 egoldberg@stark-stark.com

Block/s: 159 Lot/s: 5.04

Street Address: 50 Harkins Drive

Property Owner's Name, Address and Telephone Number **IF DIFFERENT FROM APPLICANT:**
Firenze Properties LLC (David F. Dunigan), 2045 Route 130 N, Burlington, NJ

I HEREBY CERTIFY THAT:

() There is due to the Township of Florence, on the above property, the following amounts:

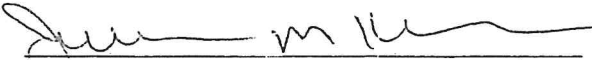
Taxes: \$

Assessments: \$

Water and/or Sewer Charges: \$

TOTAL: \$

(☒) ALL Taxes, Assessments and Water and/or Sewer Charges on the above property are paid in full.


Christine, M. Swiderski, Tax Collector

Date: 7-23-20

Juliana M. Klenk

Assistant tax collector

PLEASE NOTE: This document must be completed by the Tax Office BEFORE it is submitted with the application package.

**JULIANNA M. KLENK, CTC
ASSISTANT TAX COLLECTOR**